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#5
HMH (152)
9/23/02

Docket No.: PII 3330

DECLARATION

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As below named inventors, we hereby declare that:

Our residences, post office addresses, and citizenships are as stated below next to our names.

We made and conceived the invention described and claimed in patent application Serial Number 09/990,127 filed in the United States of America on November 21, 2001 titled Diagnostic Imaging Interventional Apparatus.

We made and conceived this invention while employed and/or contracted by Philips Medical Systems (Cleveland), Inc. (formerly Marconi Medical Systems, Inc.).

That the invention is related to the work we are/were employed/contracted to perform and was made within the scope of our employment/contracted duties.

That the invention was made with the use of facilities, equipment, materials, funds, information, and services of Philips Medical Systems (Cleveland), Inc.

That to the best of our knowledge and belief:

The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor: Jeffrey H. Yanof
Inventor's signature: Jeffrey H. Yanof
Date: 8 Aug 2002
Residence: 33350 N. Burr Oak, Solon, Ohio 44143
Citizenship: U.S.A.
Post Office Address: 33350 N. Burr Oak, Solon, Ohio 44143

Full name of second inventor: Uri (nmi) Shreter
Inventor's signature: Uri Shreter
Date: 8/8/2002
Residence: 27020 Cedar Road, Apt. 109, Beachwood, Ohio 44122
Citizenship: Israel
Post Office Address: 27020 Cedar Road, Apt. 109, Beachwood, Ohio 44122

OK

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Full name of third inventor: Christopher (nm) Bauer

Inventor's signature: Christopher Bauer

Date: August 08, 2002

Residence: 2695 Broadmore Lane, Westlake, Ohio 44145

Citizenship: Poland

Post Office Address: 2695 Broadmore Lane, Westlake, Ohio 44145

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/990,127	11/21/01	YANOF, ET AL.	PII 3330

THOMAS M. LUNDIN
ATTN: THOMAS M. LUNDIN, ESQ.
PHILIPS MEDICAL SYSTEMS (CLEVELAND), INC.
595 MINER ROAD
HIGHLAND HEIGHTS, OH 44143

EXAMINER	
ART UNIT	PAPER NUMBER
	4

DATE MAILED:

51 JUL 2002

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 305-4491.

(703) 305-0241

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which NO Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) _____
citizens of _____
residing at _____
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number _____ filed in the United States of America on _____
titled _____

(Check and complete either I or II below)

☒ I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by _____. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of _____. Other relevant facts are _____ (name of employer)

That to the best of my (our) knowledge and belief (and/or) based upon information provided by _____ of _____:

—OR—

☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____

(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: _____

Post Office Address: _____

Date: _____

Inventor's Signature: _____

Post Office Address: _____

Date: _____

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/990,127	
	Filing Date	11/21/2001	
	First Named Inventor	YANOF, Jeffrey H.	
	Group Art Unit	3763	
	Examiner Name		
Total Number of Pages in This Submission	4	Attorney Docket Number	PII 3330

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input checked="" type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks Declaration in response to invention being made for benefit of the United States Atomic Energy Commission or its successors.	

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	THOMAS M. LUNDIN
Signature	<i>Tom Lundin</i>
Date	15 August 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 15 August 2002			
Typed or printed name	Patricia R. Tschantz		
Signature	<i>Patricia R. Tschantz</i>	Date	15 August 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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